

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Chief Financial Officer

Natwar M. Gandhi
Chief Financial Officer



MEMORANDUM

TO: The Honorable Linda W. Cropp
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi [signature]
Chief Financial Officer

DATE: February 18, 2004

SUBJECT: Fiscal Impact Statement: "Language Access Act of 2003"
(Revised Bill)

REFERENCE: Bill 15-139

Conclusion

Funds have been allocated for the FY 2004 budget to begin implementation of the Language Access Act of 2003. It is estimated that implementation of a Language Access Program would cost \$0.14 million in FY 2004¹ and \$1.26 million between FY 2004 and FY 2007.

Resolution 15-450, the "\$8.5 Million State Aid Allocation Through a Reprogramming for Fiscal Year 2004 Emergency Approval Resolution of 2004", passed by Council on February 4, 2004, reprogrammed and allocated \$300,000 to the Office of Human Rights for implementation of the Language Access Program in FY 2004. Funding for the Language Access Program for FY 2005 through FY 2008 must be included in the District's budget and financial plan in order for the program to continue beyond FY 2004.

This fiscal impact statement supercedes the versions filed on November 18th, 2002, February 3rd, 2003 and on December 18th, 2003.

Background

The proposed legislation would provide oral and written translation services to individuals who have little or no English proficiency. The proposed legislation requires

¹ FY 2004 costs are for one-half year of implementation.

these services to be available at all "covered entities with public contact" or agencies whose primary responsibility consists of dealing with the public. The act defines 26 such entities and mandates a phased implementation schedule from FY 2004 to FY 2007.

All entities covered by the act would be required to:

- Create a language access plan for the agency;
- Provide oral language services for individuals likely to use that service; and
- Furnish written translation of documents for any population that constitutes the lesser of 3 percent or 500 individuals, and/or are likely to be served by that agency.

Every agency with public contact is required to designate one staff member as a Language Access Coordinator. A Language Access Advisory Committee would be formed to monitor implementation of the proposed legislation.

The Office of the Deputy Mayor for Operations is already working on implementing a number of the requirements of this bill. That office is conducting a needs assessment of all District agencies to determine what levels of services are currently provided, and what is needed to provide multi-lingual government services. They are also working to improve communication between agencies regarding multi-lingual services.

Financial Plan Impact

Funds are sufficient in the FY 2004 budget to pass the Language Access Act of 2003. Resolution 15-450, the "\$8.5 Million State Aid Allocation Through a Reprogramming for Fiscal Year 2004 Emergency Approval Resolution of 2004", passed on February 4, 2004, reprogrammed and allocated \$300,000 to the Office of Human Rights for a Language Access Program in FY 2004.

Funding for the program after FY 2004 will have to be included in the District's budget and financial plan in order for the bill to be implemented in subsequent years. Section 5 of the Act states that, "This act shall take effect subject to the inclusion of its fiscal effect in an approved budget and financial plan". This language means that the proposed Act is an "unfunded mandate" unless, and until, the dollars are allocated to the initiative in future budgets.

Office of Human Rights

The Office of Human Rights (OHR) would be responsible for coordinating agency compliance with this bill. OHR would need to hire 3 FTEs to accomplish this task – a director, an investigator and an administrative assistant. It would cost \$80,000 in FY 2004 to fund these positions for one-half year. OHR will not be able to fund these positions without additional General Fund money in FY 2005 and subsequent fiscal years. Costs will increase in later years resulting from full year implementation and step and grade advancement.

The following table presents the costs to OHR.

Estimated Cost to the Financial Plan (\$ in millions)					
	FY 2004	FY 2005	FY 2006	FY 2007	4-Year Total
OHR Administrative Costs	\$0.08	\$0.16	\$0.17	\$0.17	\$0.59

Language Access Coordinators

Every agency with public contact is required designate one staff member to spend a portion of his or her time on language access. The previous versions of this bill required that the Language Access Coordinator be a high-level staff member and spend at least one-third of his or her time on language access. Because the provision requiring one-third of a high-level staff member's time was removed, the fiscal impact of requiring Language Access Coordinators was reduced.

The table below shows the cost of designating Language Access Coordinators. Costs will increase in later years resulting from full year implementation and step and grade advancement.

Estimated Cost to the Financial Plan (\$ in millions)					
	FY 2004	FY 2005	FY 2006	FY 2007	4-Year Total
Language Access Coordinators	\$0.03	\$0.08	\$0.14	\$0.21	\$0.46

Oral Language Services

The proposed legislation would provide oral language services to individuals with limited language proficiency that seeks access to District programs. The Act recommends that the provision of oral language services be offered via existing staff, filling vacant positions with bilingual staff, hiring new staff interpreters, contracting with interpreter services and using community groups. Covered entities with public contact are required to take reasonable measures to ensure that oral language services are provided to non-English speaking clients.

Agencies that already have multilingual frontline staff can designate those staff members as the interpreter for a language group, and not have to pay for the additional FTE, thus reducing the bill's fiscal impact. **The most recent revisions of the Act require that any new multilingual staff be filled from an existing budgeted position.**

The following table shows the cost providing oral language services.

Net Impact to the Financial Plan (\$ in millions)					
Item	FY 2004	FY 2005	FY 2006	FY 2007	4-Year Total
Oral Language Services	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Written Translation Services

The proposed legislation requires that all covered entities make a reasonable effort to provide each agency's most important documents in a variety of languages. Agency bilingual staff can do some of this translation, however much of it may need to be tasked out to other agencies or performed by contractors. Many agencies already contract with translation services from their existing budgets, so they can furnish multi-lingual written information to their clients. However, to meet the requirements of the act, some additional translation services would need to be funded.

Translation services cost approximately \$60 per page. If the District would fund the translation of 1,000 additional pages a year, in order to supplement the translations covered entities pay for out of their existing budgets, it would cost \$30,000 in FY 2004, and \$60,000 a year thereafter.

The following table presents the cost for written language translation services.

Estimated Cost to the Financial Plan (\$ in millions)					
	FY 2004	FY 2005	FY 2006	FY 2007	4-Year Total
Written Language Services	\$0.03	\$0.06	\$0.06	\$0.06	\$0.21

Summary

Funds have been allocated for the FY 2004 budget to pass the Language Access Act of 2003. It is estimated that implementation of a Language Access Program would cost \$0.14 million in FY 2004² and \$1.26 million between FY 2004 and FY 2007. Resolution 15-450, the "\$8.5 Million State Aid Allocation Through a Reprogramming for Fiscal Year 2004 Emergency Approval Resolution of 2004", passed on February 4, 2004, reprogrammed and allocated \$300,000 to the Office of Human Rights for a Language Access Program in FY 2004.

Funding for the Language Access Program for FY 2005 through FY 2008 must be included in the District's budget and financial plan in order for it to be operational beyond FY 2004.

² FY 2004 costs are for one-half year of implementation.

The following table presents a summary the cost of the Language Access Program

Net Impact to the Financial Plan (\$ in millions)					
Item	FY 2004	FY 2005	FY 2006	FY 2007	4-Year Total
OHR Administrative Costs	\$0.08	\$0.16	\$0.17	\$0.17	\$0.59
Language Access Coordinators	\$0.03	\$0.08	\$0.14	\$0.21	\$0.46
Oral Language Services	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Written Language Services	\$0.03	\$0.06	\$0.06	\$0.06	\$0.21
Net Impact	\$0.14	\$0.30	\$0.37	\$0.45	\$1.26